

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1-23-08 have been fully considered but they are not persuasive.
2. Regarding applicant argument directed to the limitation of a generation and transmission of a non telephone call wireless LAN signal comprising a message that indicates a wireless LAN location procedure to be performed; Sharony discloses generating and transmitting a non telephone call wireless LAN signal comprising a message that indicates a wireless LAN location procedure to be performed as shown in fig. 2b, item 306-311. The Hwang telephone call is to show that is user initiated or activated, but for the actual location procedure in the rejection in record is shown by the Sharony teachings. Please, note that the amendment was to the location process and not to the activation of the location process, thereby the amendment does not persuade the current rejection in record.
3. The rest of the arguments fall for the same reasons as shown above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 7, 10-11, 13, 27, 30-31, 36-37, 41, 46 and 55-56 are rejected under 35

U.S.C. 103(a) as being unpatentable over Sharony US007019663B2 in view of Hwang US 20050043042A1.

As to claim 7, Sharony discloses a method wherein the step of executing the wireless LAN location process comprises executing a process that computes the location of the device based on one or more of: time of arrival data, time difference of arrival data, and received signal strength data, derived from a signal transmitted by the device (see col. 3, lines 29-60).

As to claim 10, Sharony discloses a method of claim further comprising, at the computing device, processing data derived from one or more signals transmitted by the device to be located to determine the physical location of the device (see col. 3, lines 19-28; col. 2, lines 35-37).

As to claim 13 the method further comprising sending information describing the physical location of the device to an emergency responder facility is a requirement set by the FCC Wireless Communications and Public Safety Act of 1999. Therefore, it is not an inventive step.

As to claim 27, Sharony discloses a method for determining the physical location of a device that has both wireless wide area network (WAN) communication capability and wireless local area network (LAN) communication capability (see col. 1, lines 43-50), the method comprising: generating and transmitting a non telephone call wireless LAN signal from the device, wherein the wireless LAN signal comprise a message that indicates a wireless LAN location procedure is to be performed with respect to the device (see col. 2, lines 61-67); and executing the wireless LAN location process to determine the physical location of the device and transmitting a location of the device determined by said wireless LAN location procedure to a party via the wireless WAN communication capability of the device (see fig. 2b, item 306-314). Sharony does not specifically disclose responsive to a user initiated location command at the device. Hwang discloses responsive to a user initiated location command at the device transmitting a location of the device determined by said wireless LAN location procedure to a party via the wireless WAN communication capability of the device. (see par. 0005). Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to verify the data for the simple purpose of disclose only authorized information.

As to claim 30, Sharony discloses a method further comprising the step of receiving the wireless signal from the device, at a computing device, and in response generating a signal for transmission to the wireless device to set-up the wireless LAN location procedure (see fig. 2a 2b, item 300,303).

As to claim 31, Sharony discloses a method of claim 30, wherein the step of executing comprises computing the location of the device based on data derived from at least one signal transmitted by the device and received at one or more other wireless LAN devices (see fig. 2a 2b, item 314).

As to claim 36, Sharony discloses a wireless WAN radio transceiver that receives and transmits wireless wide area network (WAN) signals; a wireless LAN radio transceiver that transmits and receives wireless local area network (LAN) signals (see col. 1, lines 43-50); and a [processor] coupled to the wireless LAN radio transceiver and to the wireless WAN radio transceiver, wherein the processor is responsive to a location command initiated of the wireless communication device to generate for transmission a non-telephone call wireless LAN message that includes information indicating that a wireless LAN location procedure is to be performed with respect to the wireless communication device to determine the physical location of the wireless communication device, and wherein the processor generates a wireless WAN signal containing information describing the physical location of the wireless communication device determined by said wireless LAN location procedure that is supplied to the wireless WAN transceiver for transmission to a party via a wireless WAN (see col. 2, lines 47-67; fig. 2b, item 306-314). Sharony discloses doing the function of the processor, he does not disclose the details of the dual mode RF tag; however in order to accomplish those steps a processor is needed it. Sharony does not specifically disclose responsive to a user initiated location command at the device. Hwang discloses responsive to a user initiated location command at the device transmitting a location of the device

determined by said wireless LAN location procedure to a party via the wireless WAN communication capability of the device (see par. 0005). Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to verify the data for the simple purpose of disclose only authorized information.

As to claim 37, Sharony discloses a device wherein the processor initiates the wireless LAN location process by generating the message a signal for transmission via the wireless LAN to a computing device coupled to the wireless LAN, and processing a signal received from the computing device that sets up the wireless LAN location procedure (see col. 3, lines 7-18; fig. 2b, item 306-314).

As to claim 56, Sharony and Hwang discloses everything as disclosed above except for the method further comprising the step of terminating a wireless LAN connection at the device after completion of the wireless LAN location process. However OFFICIAL NOTICE IS TAKEN THAT the method of terminating a connection after being used is common and well-known technique used to prevent wasting the bandwidth. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to terminate the connection for the simple purpose of saving bandwidth. Also an inherent outcome of terminating the connection would be saving battery power because the transmitter is off.

As to claims 36-37 and 46, they are the corresponding device claims of method claims 16 and 9. Therefore, claims 36-37 and 46 are rejected for the same reasons.

Regarding claims 41 and 55 are rejected for the same reasons of claims 36 and 37 shown above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/George Eng/
Supervisory Patent Examiner, Art Unit 2617

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